

**Testimony**  
**Engrossed House Bill 1102– Department of Human Services**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chair**

March 13, 2019

Chair Lee, and members of the Senate Human Services Committee, I am Dean Sturn, Foster Care Administrator for the Department of Human Services (Department); Children and Family Services Division. I am here today in support of Engrossed House Bill 1102, which was introduced at the request of the Department.

North Dakota Century Code sections 12-60-24, 25-03.2-03.1, 43-12.1-04, and 50-06-05.1, and chapter 50-11 address foster care facility levels of care licensure and criminal history record investigation requirements for facility providers and their staff. Many of the requested changes will also provide consistency across related chapters of law.

The proposed changes on page 1, lines 13 through 19, provide further clarification that identified relatives providing care to children in public custody are allowed to submit criminal background check information at the request of the public agency. This will allow the Department's Criminal Background Check Unit to complete the criminal records check process and will be consistent with section 50-11-01 of the North Dakota Century Code that already requires an approved relative to submit to a criminal history record investigation under section 50-11-06.8 of the North Dakota Century Code.

The proposed changes on page 2, lines 12 through 17 and 26 through 28, are required to meet compliance with federal legislation "Family First Prevention Services Act" (P.L. 115-123). This Act requires states to discontinue placements of foster children into group homes and residential child care facilities and replace those levels of care with higher treatment and clinical oversight levels of care. This

requires licensing facilities as a “Qualified Residential Treatment Program” effective October 1, 2019.

The proposed changes on page 3, lines 9 through 25 are also required to meet compliance with federal legislation found in P.L. 115-123. This allows states the opportunity to provide supervised independent living programs and housing to foster children who are aging out of foster care, or who choose to remain in the 18+ Continued Care program to receive foster care services up to age 21. These changes will replace transitional living criteria in chapter 50-06-05.1 with the federally recognized supervised independent living language effective October 1, 2019.

The proposed changes on page 3, lines 28 through 31 and page 4, lines 1 through 3 of section 50-11-00.1 of the North Dakota Century Code will meet the federal compliance 45 CFR 1355.20 definition of "foster family home." This gives Tribes authority to license or approve homes that are on or near Indian reservations. The authority to license or approve includes the authority to set Tribal licensing standards or follow existing state licensing standards. The proposed change will also allow for North Dakota Tribes to individually define “on or near” permitting the Tribe to license a family to provide foster care for children. The current licensing process will continue to be followed and the Department will approve the licensing studies completed by the Tribe.

The proposed changes on page 4, lines 16 through 27 and page 5, lines 4 through 25 are all related to changes in definitions to meet compliance with federal legislation created in P.L. 115-123. Specifically, the changes in verbiage help define supervised independent living programming, qualified residential treatment programming, and identified relatives. It is important to note that the definition of a “family foster home for children” has been changed from previously allowing no more than 4 foster children to be placed into the home to now allow no more than 6 foster children to be placed in a foster home. This change was made to be congruent with

P.L. 115-123 and to help increase the number of available beds for placement into family foster care. The amount of youth that a foster home is licensed for will still be made on a case by case basis with factors of physical space, make-up of the family, and training and ability of the provider being considered.

The proposed changes on page 5, lines 30 and 31 and on page 6, lines 1 through 11 provide clarity and consistency relating to Tribally approved foster homes and identified relatives who provide foster care placements.

The proposed changes on page 6, lines 14 through 21 give the Department the authority to determine the maximum number of licensed qualified residential treatment program beds in the state based upon a needs assessment. This will allow the Department to monitor and regulate the number and location of licensed qualified residential treatment beds across the state.

The proposed changes on page 7, lines 1 through 13 further clarify the authority of the Department to secure fingerprints of potential foster care providers. This not only applies to identified relatives of the foster youth, but also to any adult living in the home of the identified relative where placement may take place. This change will make it consistent with the current requirements of section 50-11-01 of the North Dakota Century Code. Authority is also given to share the results of the background check with the agency providing oversight of the foster home.

The proposed changes on page 7, lines 19 and 20 clarify and expand the authority of law enforcement agencies to take fingerprints of potential foster care providers for the purposes of conducting criminal history record investigations.

The proposed creation of a new section to chapter 50-11 of the North Dakota Century Code as set forth in section 10 on page 8, lines 8 through 19 gives the Department the authority to conduct criminal history record investigations for identified relatives and any adult living in that home. This addition also provides

consistency to proposed changes in verbiage noted earlier in the bill concerning criminal history record investigations.

This concludes my testimony. I would be happy to answer any questions. Thank you.